

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on February 7, 2007 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused: None.

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 391, 1/31/2007
Executive Action: SB 189, SB 274, SB 241, SB 221
SB 180

00:04:41 Chairman Lind

HEARING ON SB 391

Opening Statement by Sponsor:

00:06:20 **SEN. DAN WEINBERG (D)**, SD 2, opened the hearing on **SB 391**, Conservation easements on state land.

Proponents:

00:15:06 Mike Volesky, Governor's Office

00:16:15 Kathy Bramer, Office of Public Instruction (OPI)

00:18:30 Candace West, Attorney General's Office, Department of Justice (DOJ)

00:20:06 Janet Ellis, Montana Audubon

00:22:27 Tim Reardon, Department of Transportation

00:24:43 Anne Hedges, Montana Environmental Information Center

00:25:06 Glenn Marx, Montana Association of Land Trusts

00:27:57 Mark Aagenes, Montana Trout Unlimited

00:28:45 Tim Davis, Montana Senoran Institute

Opponents:

00:30:10 Jay Bodner, Montana Stockgrowers Association, and Montana Public Lands Council

00:33:45 Ellen Engsted, Montana Wood Products Association

00:36:11 Jason Todhunter, Montana Logging Association

00:36:40 Tim Ravndal, Montana Multiple Use Association

Informational Testimony:

00:40:13 Tom Schultz, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:40:39 Sen. Perry to Glenn Marx, Montana Association of Land Trusts

00:45:18 Sen. Perry to Jay Erickson, Water Resources, DNRC

00:49:06 Sen. Perry to Sen. Weinberg

00:50:43 Sen. Curtiss to Tom Schultz, DNRC

00:53:29 Sen. Gebhardt to Tom Schultz, DNRC

00:59:09 Sen. Tropila to Tom Schultz, DNRC

01:00:57 Sen. Tropila to Candace West, DOJ

01:02:06 Sen. Kaufmann to Tom Schultz, DNRC

01:03:57 Sen. Tash to Jay Bodner, Montana Stockgrowers Association and Montana Public Lands Council

Closing by Sponsor:

01:06:12 Sen. Weinberg

01:11:01 Break

01:22:55 End of Break

EXECUTIVE ACTION ON SB 189

01:23:29 **Motion:** SEN. KAUFMANN moved that SB 189 DO PASS.

Discussion:

01:24:06 Joe Kolman, LSD

01:24:36 **Motion:** SEN. KAUFMANN moved that AMENDMENT SB0018901.AJK BE ADOPTED.

Discussion:

01:24:59 Sen. Gebhardt

01:26:26 Vice Chair Sen. Wanzienried to Doug Mood, Commissioner, Public Service Commission (PSC)

01:27:20 Sen. Gebhardt

01:28:41 **Vote:** Motion that AMENDMENT BE ADOPTED failed 2-7 by roll call vote with SEN. CURTISS and SEN. WANZENRIED voting aye.

Discussion:

01:30:07 Sen. Gebhardt

01:32:18 Sen. Perry

01:34:40 Sen. Wanzenried to Doug Mood, PSC

01:37:39 Sen. Gebhardt

01:38:16 **Vote:** Motion that SB 189 DO PASS carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no.

EXECUTIVE ACTION ON SB 274

01:40:00 **Motion:** SEN. GEBHARDT moved that SB 274 DO PASS.

Discussion:

01:40:13 **Motion:** SEN. GEBHARDT moved that AMENDMENT SB027401.AJK BE ADOPTED.

EXHIBIT(nas27a01)

Discussion:

01:40:32 Joe Kolman, LSD

01:43:34 Sen. Kaufmann

01:43:39 **Vote:** Motion that AMENDMENT BE ADOPTED carried 8-1 by voice vote with SEN. KAUFMANN voting no.

Discussion:

01:43:58 Joe Kolman, LSD

01:44:44 **Motion:** SEN. GEBHARDT moved that AMENDMENTS
SB027403.AJK and SB027404.AJK BE ADOPTED.

EXHIBIT (nas27a02)

Discussion:

01:45:16 Joe Kolman. LSD

01:49:11 Sen. Perry

01:49:16 Sen. Gebhardt

01:51:02 **Motion:** SEN. GEBHARDT CALLED THE QUESTION ON AMENDMENT
SB027403.AJK.

Discussion:

01:52:07 Sen. Perry

01:52:48 Sen. Gebhardt

01:53:07 Sen. Perry to Tom Schultz, DNRC

01:53:52 Sen. Gebhardt to Tom Schultz, DNRC

01:55:15 **Vote:** Motion that AMENDMENT BE ADOPTED failed 2-7 with
SEN. CURTISS and SEN. GEBHARDT voting aye.

Discussion:

01:57:06 Sen. Tropila

01:57:57 **Motion/Vote:** SEN. GEBHARDT moved that AMENDMENT
SB027404.AJK BE ADOPTED. Motion failed unanimously by
voice vote.

Discussion:

01:58:24 Sen. Gebhardt

01:59:15 Sen. Tash

02:00:27 **Vote:** Motion that SB 274 DO PASS AS AMENDED failed 0-9
by voice vote.

02:00:47 **Substitute Motion/Vote:** SEN. TASH made a substitute motion that SB 274 BE TABLED. Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 241

02:02:00 **Motion:** SEN. KAUFMANN moved that SB 241 DO PASS.

Discussion:

02:02:36 **Motion:** SEN. KAUFMANN moved that AMENDMENT SB024101.AJK BE ADOPTED.

EXHIBIT(nas27a03)

Discussion:

02:05:10 Sen. Gebhardt

02:06:41 **Vote:** Motion that AMENDMENT BE ADOPTED failed 4-5 by roll call vote with SEN. HARRINGTON, SEN. KAUFMANN, SEN. LIND, and SEN. WANZENRIED voting aye.

Discussion:

02:09:24 Sen. Kaufmann

02:09:35 Sen. Tash

02:10:32 Sen. Gebhardt to Sen. Kaufmann

02:11:50 Sen. Perry

02:13:48 Sen. Kaufmann

02:15:04 **Vote:** Motion that SB 241 DO PASS carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no.

EXECUTIVE ACTION ON SB 221

02:16:25 **Motion/Vote:** SEN. GEBHARDT moved that SB 221 DO PASS. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye.

02:18:45 Substitute Motion/Vote: SEN. GEBHARDT made a substitute motion that SB 221 BE TABLED AND THE VOTE REVERSED. Motion carried 5-4 with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no.

EXECUTIVE ACTION ON SB 180

02:19:19 Motion: SEN. HARRINGTON moved that SB 180 DO PASS.

Discussion:

02:19:45 Motion: SEN. HARRINGTON moved that AMENDMENT SB01801.AJK BE ADOPTED.

EXHIBIT (nas27a04)

Discussion:

02:20:06 Joe Kolman, LSD

02:21:20 Sen. Harrington

02:21:54 Sen. Perry

02:23:01 Vice Chair Wanzenried

02:23:33 Sen. Harrington

02:24:13 Vote: Motion that AMENDMENT BE ADOPTED carried unanimously by voice vote.

Discussion:

02:25:41 Joe Kolman, LSD

02:25:55 Motion: SEN. HARRINGTON WITHDREW HIS MOTION ON SB 180.

ADJOURNMENT

Adjournment: 5:35 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas27aad.pdf](#))